



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,909	12/17/2001	Regis Nouet	1948-4765	2245
27123	7590	10/03/2003	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 345 PARK AVENUE NEW YORK, NY 10154			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,909

Applicant(s)

NOUET ET AL.

Examiner

Y Quach Lee

Art Unit

2875

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,7,9,10,12-14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 2,4,5,8,11 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2875

DETAILED ACTION

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an enabling disclosure of the invention.

For instance, in view of page 5, line 13, the lower surface 12 is a surface in the form of a paraboloid of revolution; lines 17 to 18, **the axis of revolution of the paraboloid is the main axis A2 of the headlight**, and the axis A2 is substantially horizontal while in view of page 3, lines 1 to 3, the second surface is defined by a portion of a paraboloid (which is the lower surface 12) having a focus situated close to the lamp and **an axis substantially parallel to a main axis** (which is A2) of the headlight. It is therefore not clear what is this extra "an axis" substantially **parallel** to the main axis referred to with respect to drawing figures 1 and 5?

Claim Rejections - 35 USC § 112

3. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 8, line 4, it is not clear what is this extra "an axis" substantially parallel to the main axis referred to? Note the reason set forth in the above objection to the specification.

Claim Objections

4. Claims 1 to 11 and 17 are objected to because of the following informalities: In claim 1, line 6, the term "said first surface" lacks a proper antecedent basis and it is suggested that this term should be changed to --said first reflective surface--; line 9, the term "said first beam" lacks a proper antecedent basis and it is suggested that this term should be changed to --said first light beam--. In claims 2 to 11, the term "The light" lacks a clear antecedent basis and it is suggested that this term should be changed to --The headlight--. In claim 8, lines 2 to 3, the limitation

Art Unit: 2875

“said second reflective surface is defined by a portion of a paraboloid having a focus **close to said first and second light sources**” is misdescriptive and/or inaccurate. In view of page 5, lines 13 to 15, the lower surface 12 is a surface in the form of a paraboloid of revolution, the focus of which is **close to one of the two filaments 5**, and preferably the filament having its radiating portion which is directed towards the lower part of the headlight. In claim 10, the term “second beam” lacks a proper antecedent basis and it is suggested that this term should be changed to --said second light beam--. In claim 17, line 6, the term “said first surface” lacks a proper antecedent basis and it is suggested that this term should be changed to --said first reflective surface--; line 9, the term “said first beam” lacks a proper antecedent basis and it is suggested that this term should be changed to --said first light beam--. Appropriate correction is required.

5. Claim 4 and 5 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form.

In claim 4, this claim fails to further limit the subject matter of previous claims 1 and 3. For instance, claim 1 recites a headlight comprising a first reflective surface, a second reflective surface ... and at least the first reflective surface being adapted to be coupled to control means for rotating at least the first reflective surface about the axis and claim 3 recites the second reflective surface fixed with respect to the first reflective surface while claim 4 depends on claim 3 and recites that the **whole headlight** is adapted to be coupled to the control means for rotation about the axis.

Claim 5 depends on objected claim 4 and as such is also objected.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2875

7. Claims 1, 3, 6, 7, 9, 10 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al.

Suzuki et al. show a vehicle headlight comprising a lamp carried by a support (column 4, line 21), the lamp (400) comprising a first light source and a second light source (column 8, line 32), a first reflective surface (3) carried by the support, a second reflective surface (2) carried by the support, the reflective surfaces being adapted to cooperate with the first and second light sources to produce first and second light beams (SP, HP), the headlight defining an axis of rotation (VU-VD), at least the first reflective surface being adapted to be coupled to control means (32) for rotating at least the first reflective surface about the axis of rotation with respect to the support and the fixed second reflective surface, when the vehicle is describing a curved path defining a bend (figure 8), the first light beam (SP) is oriented towards the inside of the bend, the first reflective surface comprising a plurality of separate zones (figure 2), the zones juxtaposed laterally to each other and the first reflective surface defining transition lines (CL') delimiting the zones with each zone having a curvature, the transition lines interrupting the curvature of the zones, means for defining a cut off line (CL), and the second light beam (HP) providing a main beam illumination function.

8. Claims 12, 13, 14, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al.

Suzuki et al. show an assembly comprising a headlight including a lamp carried by a support (column 4, line 21), the lamp (400) having a first light source and a second light source (column 8, line 32), a first reflective surface (3) carried by the support, a second reflective surface (2) carried by the support, the reflective surfaces being adapted to cooperate with the first and second light sources to produce first and second light beams (SP, HP), the headlight defining an axis of rotation (VU-VD), a control unit (32) coupled to the headlight for rotating at least the first reflective surface, the control unit being linked to a steering wheel of a vehicle and rotating at least the first reflective surface by an amount dependent on the amplitude (column 8, lines 55 to 59) through which the steering wheel is turned by a driver of the vehicle and the traveling speed (column 8, line 54) of the vehicle, and the control unit adapted to keep the second light beam (figure 8, HP) lit during the rotation.

Art Unit: 2875

9. Claims 2, 11 and 15 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claim 8 would be allowable if rewritten to overcome the objection and rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 703-308-1939. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Y. Q.
September 16, 2003



Y Quach Lee
Patent Examiner
Art Unit 2875